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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD NEAL JOSEPH, SR.,)	
et al.)	
)	
Plaintiffs,)	2:09-cv-00966-HDM-LRL
)	
vs.)	
)	ORDER
LAS VEGAS METROPOLITAN POLICE)	
DEPARTMENT, et al.)	
)	
Defendants.)	
_____)	

Defendants filed a motion for summary judgment on February 4, 2011 (#73). Plaintiffs filed a response to the motion for summary judgment on February 25, 2011 (#85). Plaintiffs' response (#85) did not address the merits of the motion, but instead argued that the motion was premature and requested a stay of the motion pending resolution of outstanding discovery disputes. The court granted a stay of the motion for summary judgment (#73) until the discovery

1 disputes were resolved (#95). At the time the court entered its
2 order granting a stay of the summary judgment motion (#95), there
3 were two pending discovery motions: defendants' Motion to Stay
4 Discovery on Plaintiffs' Monell Claim (#75) and plaintiffs' Motion
5 to Extend Discovery Deadlines and for Sanctions (#88). On March
6 10, 2011, defendants replied to plaintiffs response to the motion
7 for summary judgment (#96).¹

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9 ¹ Document #85 is titled "Response to Defendants' Motion for Summary Judgment
10 [73]". In it, plaintiffs asked that the court stay the motion for summary judgment
11 "until meaningful discovery can be completed" pursuant to Federal Rules of Civil
12 Procedure 56(d) and 56(f). Rule 56(d) permits a court to defer considering a
13 motion, deny it, allow time for the parties to obtain affidavits, declarations or
14 take discovery, or issue any other appropriate order if a nonmovant shows by
15 affidavit or declaration that it cannot present facts essential to justify its
16 opposition. Fed. R. Civ. P. 56(d). Under Rule 56(f), a court may postpone ruling
17 on a motion for summary judgment where the nonmoving party needs additional
18 discovery to explore facts to justify the party's opposition. See Fed. R. Civ. P.
19 56(f). Plaintiffs submitted the Declaration of Alfreda Tilman Bester in support
20 of their Rule 56(d) request. However, the declaration fails to articulate specific
21 facts plaintiffs need to explore in order to oppose defendants motion for summary
22 judgment. Instead, the declaration argues that plaintiffs are unable to present
23 facts to justify an opposition because the defendants have refused to produce
24 sufficient discovery responses. (See #85, p. 5) Still, the court stayed the motion
25 for summary judgment pending resolution of outstanding discovery issues. Those
26 issues having been resolved as of June 10, 2011, the court concludes no additional
discovery is warranted.

